



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

The Honorable James E. Nugent  
House of Representatives  
P. O. Box 2910  
Austin, Texas 78767

Letter Advisory No. 74

Re: Constitutionality of Senate  
Bill No. 1, First Called  
Session 63rd Legislature.

Dear Representative Nugent:

On behalf of the Transportation Committee of the House of Representatives, you have requested our opinion as to the constitutionality of Senate Bill 1 of the First Called Session of the 63rd Legislature in the form in which it was recommended by your committee to the House of Representatives December 19, 1973.

The Bill would add a new Section 168 B to Article 670ld, Vernon's Texas Civil Statutes, the Uniform Act Regulating Traffic on Highways, and would authorize the State Highway Commission upon the finding of certain specified facts, to modify the *prima facie* maximum speed limits set in §166 of the Act. The order of the Commission would be effective upon the independent determination by the Governor of the existence of the specified facts making the order necessary.

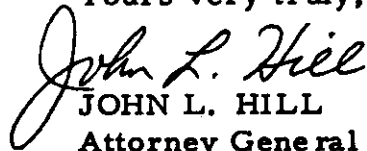
We have examined the proposed law in light of the challenges levelled against it and find it to be constitutional. Specifically we find that the law would be a legitimate delegation of legislative responsibility; that it would not be an unlawful invasion of the judicial power or in violation of the separation of powers of Article 2, §1, of the Constitution; and that it does not give the Governor the right to veto the act of the Commission in violation of Article 2, §1 or Article 4, §14 of the Constitution.

No other questions have been raised and we see none at this time.

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In our opinion this Legislation, if enacted into law, will be upheld as constitutional. See Williams v. State, 176 S. W. 2d 177 (Tex. Crim. 1943); Fulmore v. Lane, 140 S. W. 405 (Tex. 1911); Trimmer v. Carlton, 296 S. W. 1070 (Tex. 1927); Housing Authority of the City of Dallas v. Higginbotham, 143 S. W. 2d 79 (Tex. 1940); Trapp v. Shell Oil Co., 198 S. W. 2d 424 (Tex. 1947); Ex parte Smith, 339 S. W. 2d 671 (Tex Crim. 1960); State v. City of Austin 331 S. W. 2d 737 (Tex. 1960); Attorney General Letters Advisory Nos. 2, 12 , and 42 (1973); Attorney General Opinions Nos. M-1227 (1972), H-175 (1973).

Yours very truly,

  
JOHN L. HILL

Attorney General of Texas

APPROVED:



DAVID M. KENDALL, Chairman  
Opinion Committee